

REMARKS

Claims 2-5 and 7-8 are pending in the application. By this Amendment, claims 2-3 and 7 have been amended, claim 6 has been canceled and claim 8 has been added. It is submitted that this Amendment is fully responsive to the Office Action dated October 1, 2009.

Claim Rejections - 35 U.S.C. §103

Claims 2-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Berbakov (U.S. Patent No. 4,438,600) in view of Wegener (U.S. Patent No. 6,601,426) (Previously cited). Claims 6-7 are rejected under 35 U.S.C. §103(a) as being unpatentable over Berbakov (U.S. Patent No. 4,438,600) in view of Wegener (U.S. Patent No. 6,601,426) in view of JP 58-170177 (JP 177).

This rejection is respectfully traversed. Claim 2, as amended, now calls for the feature of *“wherein the rail includes a ring shape surrounding a periphery of the first piping”* and *“wherein the circumferential-direction position adjusting structure further includes a cart travelling on the ring-shaped rail as a track.”* Independent claim 3 also has been amended to include the similar feature. This amendment is supported by the specification (page 8, lines 23-26) and claim 6.

With regard to the feature of claim 6, the Examiner clearly acknowledges the drawbacks and deficiencies of Berbakov, that is, Berbakov does not disclose this claimed feature. In an attempt to cure the above-noted drawbacks and deficiencies of Berbakov, the Examiner relies on the teachings of JP 177, especially relies on members 24 and 26 (page 5, item 11 of the Action).

However, JP 177 is UNRELATED TO and SILENT REGARDING the *“cart travelling on the ring-shaped rail.”* Specifically, Figs. 1 and 2 of JP 177 disclose the members 24 and 26 which include rollers 16. For example, as shown in Fig. 1, the roller 16 is rotatably fixed to the

member 24 via a rotation shaft or a rotation axis such that the member 24 can rotate on its axis (shaft 10). Because these rollers 16 are fixed to the members 24 and 26, the rollers 16 cannot travel on the members 24 and 26 as a track. Accordingly, JP177 is SILENT REGARDING the amended feature of “*wherein the circumferential-direction position adjusting structure further includes a cart travelling on the ring-shaped rail as a track.*”

Therefore, even if, assuming *arguendo*, that Berbakov may be combined with Wegener and JP 177 in the manner suggested by the Examiner, such combination would still fail to disclose or fairly suggest the claimed feature of “*wherein the circumferential-direction position adjusting structure further includes a cart travelling on the ring-shaped rail as a track,*” as called for in amended claim 2 and similarly in amended claim 3.

Accordingly, claims 2 and 3 distinguish over Berbakov, Wegener and JP 177. Claims 4, 7 and 8 are dependent from claim 2 or 3 and recite the additional features set forth therein. Accordingly claims 4, 7 and 8 also distinguish over Berbakov, Wegener and JP 177 for at least the reasons set forth above.

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over Berbakov (U.S. Patent No. 4,438,600) in view of Wegener (U.S. Patent No. 6,601,426) in view of Schadler (U.S. patent No. 6,825,438) (Previously cited).

This rejection is respectfully traversed. It is submitted that claim 5 is dependent from claim 2 or 3 and recites the additional features set forth therein. Accordingly claim 5 also distinguishes over Berbakov, Wegener and Schadler for at least the reasons set forth above.

New Claim

The subject matter of new claim 8 is supported by, for example, Fig. 1 and the specification (page 8, lines 23-26). It is submitted that new claim 8 is dependent from claim 2 or 3 and recites the additional features set forth therein. Accordingly claim 8 also patentably distinguishes over the cited references for at least the reasons set forth above.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

/Tsuyoshi NAKAMURA/

Tsuyoshi Nakamura
Limited Recognition No. L0396
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

TN/ya